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Attorneys for Plaintiff Curtis Moss

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

CURTIS MOSS,

Plaintiff,

v.

PROVIDENCE HEALTH AND SERVICES -  
OREGON, an Oregon Non-Profit  
Corporation,

Defendant.

Case No.:

COMPLAINT

(42 USC §2000e-5 - Employment  
Religious Discrimination)

Claim for Relief \$313,184.00

NOT SUBJECT TO MANDATORY  
ARBITRATION

JURY TRIAL REQUESTED

**PRELIMINARY STATEMENT**

1.

Plaintiff brings this action for statutory penalties pursuant to 42 USC §2000e-5 and attorney's fees, for employment religious discrimination.

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## **JURISDICTION**

2.

Jurisdiction is conferred upon this Court by 42 USC §2000e-5, enforcement provisions.

3.

Venue is proper under 28 USC §1391 as the conduct from which these claims arise occurred in the judicial district in which the Court is situated, and the defendants reside in this district. Divisional venue is proper in the Portland Division because all the events giving rise to the claims occurred in Multnomah County, Oregon.

## **PARTIES**

4.

Plaintiff Curtis Moss (hereinafter “Plaintiff”) is a resident of Multnomah County, Oregon and has been at all material times.

5.

Defendant Providence Health and Services – Oregon (hereinafter “Defendant”) is an Oregon Non-Profit Corporation with a principal place of business in Multnomah County, Oregon. Defendant did business as Providence Portland Medical Center. Plaintiff was employed by Defendant at Providence Portland Medical Center.

## **DEMAND FOR JURY TRIAL**

6.

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a Trial by Jury on all issues of his Complaint as is appropriate according to law.

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## GENERAL FACTUAL ALLEGATIONS

7.

At all times material to this action, Plaintiff was a resident of Portland, Multnomah County, Oregon.

8.

Defendant is an Oregon non-profit corporation. Defendant conducts regular, sustained business activity in Multnomah County, Oregon. At all material times Defendant was Plaintiff's employer.

9.

On or about August 2018 Plaintiff began working for Defendant as a Security Officer. Plaintiff's job changed to Diagnostic Imaging Support Specialist on or about October of 2020. At all material times, Plaintiff performed his job duties satisfactorily.

10.

On or about September 2021 Defendant mandated Plaintiff receive a Covid-19 vaccination as a condition of continued employment.

11.

On or around October 16, 2021 Plaintiff put Defendant on notice of his sincerely held religious beliefs which prevented him from receiving a Covid-19 vaccination.

12.

On or around October 21, 2021 Defendant denied Plaintiff's request for accommodation and was not provided any reason for the denial. Defendant had accommodated Plaintiff with respect to other vaccination requirements in the past.

13.

Plaintiff was removed from the schedule on November 3, 2021 and then fired on December 18, 2021.

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14.

Defendant did not engage in any interactive process with Plaintiff about accommodations for his religious beliefs at any time.

15.

On December 18, 2022 Defendant notified Plaintiff it was terminating Plaintiff's employment.

16.

Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on or around February 12, 2022. Plaintiff received notice of his right to sue from the EEOC on September 26, 2022.

PLAINTIFF'S FIRST CLAIM FOR RELIEF

(42 USC § 2000e-5 - Employment Religious Discrimination)

17.

Plaintiff realleges paragraphs 1 through 16 and incorporates them herein.

18.

Plaintiff has a sincerely held religious belief which prevents him from receiving a Covid-19 vaccination.

19.

Around October 16, 2021 Plaintiff put Defendant on notice of his sincerely held religious belief which prevented him from receiving a Covid-19 vaccination.

20.

Defendant did not make a good-faith effort to reasonably accommodate Plaintiff's religious beliefs and could have done so without incurring an undue hardship.

21.

Plaintiff was treated differently than other employees seeking religious accommodation who provided Defendant with similar information.

22.

Defendant removed Plaintiff from the schedule on November 3, 2021 and then fired Plaintiff on December 18, 2021 because he was not vaccinated.

23.

Plaintiff requests the court award him back pay, front pay in lieu of reinstatement and loss of future earning capacity. As a result of Defendant's conduct, Plaintiff was without employment between November 2021 and February 2022 and lost approximately \$13,184.00 in wages he would have earned had he remained in Defendant's employ. As a result of Defendant's conduct, Plaintiff is no longer employed in the medical field and has lost education fringe benefits available through Defendant.

24.

Plaintiff requests the court award him \$300,000.00 in compensatory damages for future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life.

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25.


Plaintiff requests an award of his reasonable attorney fees and expert witness fees pursuant to 42 USC §2000e-5(k).

WHEREFORE, Plaintiff prays for a judgment against the Defendant for relief as follows:

1. Economic damages in the amount of \$13,184.00 or as proven at trial;
2. Non-economic damages in the amount of \$300,000.00;
3. Plaintiff's attorney fees, expert costs, costs and disbursements incurred herein; and
4. Such other relief that the court deems just and equitable.

DATED this 22<sup>nd</sup> day of December, 2022.

BAUM SMITH, LLC  
Attorney for Plaintiff

By:   
Brent H. Smith  
OSB #065971